IN THE HIGH COURT OF UTTARAKHAND
AT NAINTIAL

Writ Petition No. 1099 (SS) of 2007

1. Vikas Raj Chauhan, S/o Mahendra Pal Singh, R/o Mohalla - Subhash Nagar, Tehsil- Kashipur, District- Udham Singh Nagar.
2. Anand Singh Rajput, S/o Jay Singh Rajput, R/o Village – Ward No. Kopa Gularbhoj, Tehsil- Gadarpur District- Udham Singh Nagar.

……. Petitioners.

Versus

1. State of Uttarakhand through Principal Secretary, Education, Dehradun.
2. The Director, Basic Education, Uttarakhand, Dehradun.
3. The Principal District Institute of Education and Training, Rudrapur, Udham Singh Nagar.

…….. Respondents

Hon'ble M. M. Ghildiyal, J

Heard Sri S.C. Bhatt, learned counsel for the petitioners and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioners have prayed to issue a writ of mandamus commanding the respondent no. 3 to entertain the application of the petitioners in pursuance to the advertisement and further to consider the candidature of the petitioners for Special BTC Training Course and to give appointment on the post of Assistant Teacher in Primary School in accordance with law.

Facts of the cases as narrated in the writ petition are that petitioners have applied for Special BTC Training Course in pursuance to the advertisement dated 10.07.2006. Last date of submission of application was 10.08.2006. Petitioners have obtained their B.Ed degree on 24.07.2006.

Respondents have rejected the applications of the petitioners on the ground that they have obtained their B.Ed. degree after publication of advertisement.

Learned counsel for the petitioners has submitted that last date of submission of application for Special BTC Training Course was 10.08.2006 and petitioners have obtained their B.Ed. Mark-sheet on 24.07.2006, as such, petitioners are entitled to be considered for Special BTC Training Course.

There is specific clause in the advertisement that prior to date of publication of advertisement, the candidate must possess Bachelor Degree and mark- sheet of B.Ed.

Learned Standing Counsel for the respondents has submitted that it is the prerogative of the State Government to stipulate cut of date in the recruitment matter, which cannot be challenged by any aspirant, after having applied in pursuance thereof.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation, raising all their grievances, before respondent no. 2 within a period of ten days' from today and respondent no. 2 is directed to take decision on the representation of the petitioners within a period of two weeks from the date of production of certified copy of this order along with representation.

With this direction, writ petition as well as interim relief application is finally disposed of. No order as to costs.

(M. M. Ghildiyal, J)

August 17, 2007
SKS